

Court of Appeals, State of Michigan

ORDER

People of MI v Todd Deshun Stephens

Docket No. 301006

LC No. 2009-004558-FC

Joel P. Hoekstra
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court REMANDS for resentencing because Offense Variables 1 and 2 were incorrectly scored. The correct score for both of those variables is zero points. *People v Johnston*, 478 Mich 903; 732 NW2d 531 (2007). Resentencing is required because the scoring error altered the guidelines range and because defendant preserved his challenge to the scoring errors through a motion for resentencing. *People v Francisco*, 474 Mich 82, 89-92; 711 NW2d 44 (2006). The delayed application for leave to appeal is DENIED in all other respects for lack of merit in the grounds presented. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 05 2011

Date

Sandra Schultz Mengel
Chief Clerk